

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Richard C. Gamble,)	
)	
Complainant,)	
)	
v.)	Case No. 14-1192-EL-CSS
)	
Ohio Edison Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 7, 2014, Complainant, Richard C. Gamble, filed a complaint in this case against Respondent, Ohio Edison Company (Ohio Edison), alleging that Respondent, by dishonestly and incorrectly billing Complainant for electric service, has engaged in a practice of unjust enrichment.
- (2) Ohio Edison filed its answer on July 28, 2014. In its answer, Ohio Edison alleges that, upon discovering that the meter installed at Complainant's premises was not reading usage, it replaced that meter on January 19, 2014. Ohio Edison further answers by saying that it corrected and rebilled Complainant's account for the period from March 14, 2013 through January 14, 2014, using average current daily usage, as measured by the new meter, as the basis for calculating consumption during the period from March 14, 2013 through January 14, 2014. Respondent asserts that such corrective rebilling was done pursuant to R.C. 4933.28 and that, as required by that statute, Complainant was given twelve months to pay for the unbilled usage that he consumed. As part of its answer, Ohio Edison asserts several affirmative defenses including: (1) that the complaint fails to allege any unlawful action by Respondent; (2) that reasonable grounds for complaint, as required by R.C. 4905.26, have not been stated; and (3) that the complaint fails to state a claim upon which relief can be granted.

- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for September 23, 2014, at 1:00 p.m. in Conference Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (5) Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (6) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public. Util. Comm.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

It is, therefore,

ORDERED, That a settlement conference be held on September 23, 2014, at 1:00 p.m. in Conference Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215.

ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

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in

Case No(s). 14-1192-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference in this case; electronically filed by Debra Hight on behalf of Dan E. Fullin, Attorney Examiner.